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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,516	11/09/2001	Po-Hua Fang	112.P14195	3082
43831 7590 06/08/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER LEE, CHEUKFAN	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/035,516		FANG, PO-HUA	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cheukfan Lee		2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on February 20, 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

1. Claims 1–55 are pending. Claims 36-55 are newly added. Claims 1, 18 and 38 are independent.
2. Applicant's arguments filed February 20, 2007 have been fully considered but they are not persuasive. The rejections stand and the reasons with respect to the claimed "appropriate length" are given below.
3. Claims 39-46 are objected to because of the following:  
  
In claim 39, "colored pattern" should read – a color pattern --.  
  
Claims 40-46 are objected to as being dependent on claim 39.
4. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an automatic document feeder included in an optical scanner, does not reasonably provide enablement for an automatic document feeder including an optical scanner (see paragraph 0045 of the amendment to the specification, filed December 27, 2005 and paragraph 0010 of the amendment to the specification, filed Feb. 20, 2007). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Amended claim 1 recites in the preamble "the automatic document feeder including an optical scanner". This limitation is not described in the specification.

Claims 2-17 are objected to as being depending on the rejected claim 1.

5. Independent claims 1 and 18 now include the language "wherein the appropriate length comprises a length that is less than a total length of the document" (see amendment filed with the RCE on September 29, 2006 and amendment filed February 20, 2007). This limitation is also met by Seto (U.S. Patent No. 5,124,810) applied in the rejection of the Office Actions mailed April 6, 2006 and October 18, 2006 because the total length of the document that is fed meets the claimed "appropriate length", and this total length of the document inherently comprises any length that is less than a total length of the document.

**Please note that "... comprises" is an open-ended statement, whereas "... consists of" is not open-ended.** In the case of Seto, **the total length of the document in fact comprises any length that is less than the total length of the document**, i.e., the total length comprises one half of the total length, one third of the total length of the document, one fourth of the length of the document, etc. **That is the fact**, not just an interpretation. The document is fed by the total length of the document to a second position, which "total length of the document" meets the claimed "appropriate length". In other words, Seto's method step of "feeding the document by the total length of the document to a second position, wherein the total length comprises a length that is less than the total length of the document" meets the claimed "feeding the document an appropriate length to a second position, wherein the appropriate length comprises a length that is less than a total length of the document."

What Applicant argues about in the remarks filed February 20, 2007 (page 18, the last paragraph) is not the same as what is claimed. Specifically, Applicant argues,

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"However, Seto does not disclose ..., feeding the document a length less than a total length of the document to a second position, ..." Note that "feeding the document a length less than a total length of the document to a second position" is not the same as the claimed limitation "feeding the document an appropriate length to a second position, wherein the appropriate length comprises a length that is less than a total length of the document". Therefore, while the Examiner agrees with Applicant on that Seto does not disclose feeding the document a length less than a total length of the document to a second position, in combination with other limitations of claim, the rejection set forth in the previous Office action stands.

Please refer to the rejection addressed below.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,3, 11-14, 17-19, 30-33, 35-39, and 50-55, insofar as claims 1, 3, 11-14 and 17 are understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Seto (U.S. Patent No. 5,124,810).

Regarding claim 1, Seto discloses a method of detecting an alignment of a document having a side edge, in an automatic document feeder (ADF) included in an optical scanner having a scanning window (a scanning window defined by the left

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portion of glass (1) between the wedge-shaped component and the left part of the frame of the scanner as shown in Fig. 7A), the method comprising actuating the ADF to feed in the document (2) to a first position (the position of the document 2 at the beginning of image reading of the document), wherein a portion of the side edge of the document in the first position is defined by the scanning window and a colored pattern layer in the scanning window (the portion of the side edge of the document 2 in the first position defined by the scanning window described above and a reference pattern layer having the white and black colors formed on 18a of guide plate 18 in the scanning window as shown in Figs. 7A and 7B) (col. 7, lines 55-62, col. 14, lines 41-56), capturing a first image of the document (2) while the document is in the first position (Fig. 16A, Fig. 16B, col. 14, lines 39-67), feeding the document (2) an appropriate length (the total length of the document 2) to a second position (the position of the document 2 at the end of image reading of the document), wherein appropriate length (the total length of the document 2) inherently comprises a length that is less than the total length of the document (2) (see discussion in section 4), capturing a second image of the document (2) while the document is in the second position) (Fig. 16C, Fig. 16D, col. 14, lines 60-68), and calculating a slant value (the skew in feeding of the document 2) by comparing the first image (Fig. 16A, Fig. 16B) with the second image (Fig. 16C, Fig. 16D) (col. 14, line 41 – col. 15, line 25, col. 7, lines 55-62) (refer to col. 12, line 55 – col. 13, line 3, if needed).

Regarding claim 3, the side edge (left or right side) of the document (2) is substantially parallel to the document feeding direction (Fig. 7A).

Regarding claim 11, Seto further discloses comparing the skew value with a preset value (tolerable limit) (col. 15, lines 10-25).

Regarding claim 12, it is inherent in Seto that the preset value (tolerable limit) is tested and provided for the document fed into the scanning area (Fig. 7A) a length sufficient to enable measuring of the skew.

Regarding claim 13, the claimed step is inherent in Seto that the document is scanned in response to the skew being smaller than the preset value (tolerable limit) (col. 15, lines 10-25).

Regarding claim 14, Seto further discloses that the document scanning is terminated when the skew is larger than the preset value (tolerable limit) (col. 15, lines 10-32).

Regarding claim 17, Seto discussed for claim 13 (and claim 14) above further discloses setting off an alarm in response to the skew (slant value) being larger than the preset value (sending a warning to the user) (col. 15, lines 10-32).

Claim 18 is also met by Seto. Similarly to the reason given for claim 1, Seto's step of actuating the ADF to feed in the document (2) to place the document in a first position (the position of the document 2 at the beginning of image reading of the document) meets the claimed actuating a document feeder in an optical scanner to place a document in a first position (Figs. 7A and 7B, col. 7, lines 55-62, and Figs. 16A

and 16B, col. 14, lines 41-56), Seto's step of capturing a first image of the document (2) while the document is in the first position (Fig. 16A, Fig. 16B) to produce image information for x1 meets the claimed capturing a first image while said document is in said first position, further feeding the document (2) an appropriate length (the total length of the document 2) to a second position (the position of the document 2 at the end of image reading of the document), wherein appropriate length (the total length of the document 2) inherently comprises a length that is less than the total length of the document (2) (see discussion in section 4), meets the claimed actuating the document feeder to feed the document into the optical scanner an appropriate length to place the document in a second position, wherein the appropriate length comprises a length less than a total length of the document (see further discussion below with respect to the claimed "actuating"), Sato's step of capturing a second image of the document (2) while the document is in the second position (Fig. 16C, Fig. 16D, col. 14, lines 60-68) meets the claimed capturing a second image while said document is in said second position, and Sato's step of determining a slant value (the skew in feeding of the document 2) by comparing the first image (Fig. 16A, Fig. 16B) with the second image (Fig. 16C, Fig. 16D) (col. 14, line 41 – col. 15, line 25, col. 7, lines 55-62) (refer to col. 12, line 55 – col. 13, line 3, if needed) meets the claimed determining a slant value based, at least in part, on a comparison of the first image with the second image.

Further with respect to the second claimed "actuating the document feeder to feed the document into the optical scanner an appropriate length to place the document in a second position, ...", this actuating the document feeder is interpreted to mean



further feeding the document into the optical scanner an appropriate length, since according to Applicant's specification, the document is further fed in for an appropriate length (see amendment to the specification, filed December 27, 2005, paragraph 0051, lines 1-11), and "Afterwards, the document is fed in for an appropriate length" (see amendment to the specification, filed Feb. 20, 2007, paragraph 0048). The specification does not describe that feeding is stopped when the document is fed to the first position and then the automatic feeder is actuated again to feed the document the appropriate length. Thus, the claimed "actuating the document feeder to feed the document into the optical scanner an appropriate length to place the document in a second position" is met by Seto's further feeding of the document by the ADF to the second position.

Claim 19 claims "arranging a colored pattern in or near a scanning window of the optical scanner". Please refer to the discussion of Seto for claim 1 with respect to the colored pattern layer.

For claims 30-33 and 35, see discussions for claims 11-14 and 17, respectively, for claiming the same or similar limitations.

Regarding claims 36 and 37, the document feeder of Seto is an automatic document feeder. With regard to the claimed "automatically actuating the document feeder", since the specification does not describe "automatically actuating the document feeder", the claimed "automatically actuating the document feeder" is interpreted to mean automatically feeding the document with the document feeder. Therefore, Seto's

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automatically feeding the document with the ADF to the first position and automatically feeding the document with the ADF to the second position meet the claim limitations of claims 36 and 37 for the reason given for claim 18 with respect to "actuating".

Apparatus claims 38 and 55 are rejected for the same reasons as given for method claims 1 and 18.

Apparatus claim 39 is rejected for the same reason as given for method claim 19.

Apparatus claims 50-54 are rejected for the same reasons as given for method claims 11-14 and 17, respectively, and those given for claims 30-33 and 35, respectively.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 20-24, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (U.S. Patent No. 5,124,810) in view of Pasco et al. (U.S. Patent No. 6,064,778). Pasco et al. was cited/applied in the previous Office actions mailed April 6, 2006 and Oct. 18, 2006.

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Regarding claims 2 and 20, Seto discussed for claims 1 and 18 above does not disclose a colored pattern layer of a color different from that of the document. The pattern layer on part (18a) of the guide plate (18) is black and white, and the document (2) is black and white (col. 7, lines 55-62, col. 14, lines 41-68). However, using a colored pattern layer that has a color different from that of the document in detecting a skew of a document being fed in a scanner having an optical sensor sensitive to color (in addition to black color), in order to achieve high contrast between the pattern layer and the document, is taught by Pasco et al. (col. 4, lines 60-67, Figs. 1 and 2, col. 4, lines 29-36, col. 5, lines 10-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of Pasco et al. to substitute the black and white pattern layer formed on part 18a of guide plate 18 of Seto with a colored pattern layer having a color different from that of the document (2), in order to achieve high contrast between the pattern layer and the document, enabling accurate document skew detection.

Regarding claim 21, a first edge of the document (2) (seen in Fig. 7A) of Seto is positioned between the scanning window and the pattern (on 18a of 18 in Fig. 7A).

Regarding claims 22-24, in Seto discussed for claims 18-21 above, in calculating or determining the skew of the document (2) being fed, positions  $x_1$  and  $x_2$  of the side edge of the document at the beginning of image reading and the end of image reading of the document, respectively, are obtained (Figs. 16A-16D, col. 14, lines 41-68). It is inherent that the positions  $x_1$  and  $x_2$  are obtained or calculated with reference to a reference point. Although Seto does not disclose defining a reference point on a scan

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line or in the colored pattern layer (on 18a of 18), one of ordinary skill in the art would have realized the advantage of defining a reference point on a scan line or in the pattern layer (on 18a or 18), which is relatively close to the reading location, over defining a reference point somewhere more remote from the reading location as shown in Fig. 7A, the somewhere such as at the edge of the document (holding) plate (12) (Fig. 14C, col. 13, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the positions x1 and x2 of the side edge of Seto in view of Pasco et al. and the reference point on a scan line or in the pattern layer to obtain a first distance (using x1 and the reference point) comprising a distance from the side edge (at x1) of the document to the reference point on a scan line or in the pattern layer, and to obtain a second a second distance (using x2 and the reference point), in order to provide a position of the document being fed. Please note that a length by which the side edge of the document (2), or the document (2), is fed in the intended feeding direction from the beginning of image reading of the document (2) to the end of image reading of the document (2) is sufficient to enable measuring of the skew (col. 14, lines 41-68). Please also note that the claims only define the first distance and the second distance but do not apply any of the distances in the method.

Apparatus claims 40-44 are rejected for the same reasons as given for method claims 20-24, respectively.

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10. Claims 4-6, 15, 16, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (U.S. Patent No. 5,124,810).

Regarding claims 4-6, in Seto discussed for claim 1 above, in calculating the skew of the document (2) being fed, positions  $x_1$  and  $x_2$  of the side edge of the document at the beginning of image reading and the end of image reading of the document, respectively, are obtained (Figs. 16A-16D, col. 14, lines 41-68). It is inherent that the positions  $x_1$  and  $x_2$  are obtained or calculated with reference to a reference point. Although Seto does not disclose defining a reference point on a scan line or in the colored pattern layer (on 18a of 18), one of ordinary skill in the art would have realized the advantage of defining a reference point on a scan line or in the pattern layer (on 18a or 18), which is relatively close to the reading location, over defining a reference point somewhere more remote from the reading location as shown in Fig. 7A, the somewhere such as at the edge of the document (holding) plate (12) (Fig. 14C, col. 13, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the positions  $x_1$  and  $x_2$  of the side edge of Seto and the reference point on a scan line or in the pattern layer to obtain a first distance (using  $x_1$  and the reference point) comprising a distance from the side edge (at  $x_1$ ) of the document to the reference point on a scan line or in the pattern layer, and to obtain a second a second distance (using  $x_2$  and the reference point), in order to provide a position of the document being fed. Please note that a length by which the side edge of the document (2), or the document (2), is fed in the intended feeding direction from the beginning of image reading of the document (2) to the end of image reading of the document (2)

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meets the claimed "appropriate length" (also see col. 14, lines 41-68). Please also note that the claims only define the first distance and the second distance but do not apply any of the distances in the method.

Regarding claims 15 and 16, Seto discussed for claim 14 above does not explicitly disclose manually taking out the document (2) and repeating the whole process, i.e., B to E of claim 1, as claimed. However, one of ordinary skill in the art would have realized the advantage of manually taking out the document (2), reinserting the document in the feeder and repeating the scan process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manually take out the document (2) of Seto, place it in the feeder, and having the scan process repeated in order to complete reproducing the image or producing the image data of the document (2) without skew or with acceptable skew.

Claim 34 recites "repositioning the document". As discussed for claims 15 and 16 above, Seto, discussed for claim 33 above, does not explicitly disclose repositioning the document (2). However, one of ordinary skill in the art would have realized the advantage of repositioning the document in the feeder such that the document is feed after repositioning and without skew or with little skew within the tolerable value. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reposition the document (2) of Seto in the feeder in order to produce scan data from the document without skew or with acceptable skew.

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11. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (U.S. Patent No. 5,124,810) in view of well known art.

Regarding claim 7, Seto discussed for claim 5 above differs from the claimed invention in the technique of calculating or determining the skew or slant value. The skew detection circuit (42) of Seto detects the document skew using information on the difference between the two positions  $x_1$  and  $x_2$  of the document side edge (col. 15, lines 1-25). Claim 7 defines the slant value to be a slant value comprising a ratio of the difference value of the first distance and the second distance to the appropriate length comprising a length [corresponding to a distance by which the document is fed in the intended feeding direction] sufficient to enable measuring of the slant value. However, the claimed technique is not patentable subject matter but is common knowledge to any one of ordinary skill in the mathematical art. Based on the discussion of and reason of obviousness given for claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique as claimed to calculate the skew (slant value) in the method of Seto to simplify the skew determining process.

Regarding claims 8-10, Seto discussed for claim 7 above discloses the skew detection circuit (42). Seto does not disclose calculating the skew or slant value using an electronic calculation device comprising a software calculation program or by an electronic calculation device comprising a calculator in a computer as claimed. However, the claimed features are not patentable subject matter because they are not novel but well known in the art. It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to employ any of such well known features to obtain the skew or slant value of Seto in order to speed up the processes.

12. Claims 25-29 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (U.S. Patent No. 5,124,810) in view of Pasco et al. (U.S. Patent No. 6,064,778) as applied to claims 23, 18, 44, and 38 above, and further in view of well known art. Pasco et al. was cited/applied in the previous Office actions.

Regarding claims 25 and 26, Seto, discussed for the method of Seto in view of Pasco et al. discussed for claim 23 above, differs from the claimed invention in the technique of calculating or determining the skew or slant value. The skew detection circuit (42) of Seto detects the document skew using information on the difference between the two positions  $x_1$  and  $x_2$  of the document side edge (col. 15, lines 1-25). Claim 25 defines the slant value to be a slant value comprising a ratio of the difference value of the first distance and the second distance to the length [corresponding to a distance by which the document is fed in the intended feeding direction] sufficient to enable measuring of the slant value. However, the claimed technique is not patentable subject matter but is common knowledge to any one of ordinary skill in the mathematical art. Based on the discussion of and reason of obviousness given for claim 23, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique as claimed to calculate the skew (slant value) in the method of Seto in view of Pasco et al. to simplify the skew determining process.



Regarding claims 27-29, Seto discussed for claims 25 and 26 above discloses the skew detection circuit (42). Seto does not disclose calculating the skew or slant value using an electronic calculation device comprising a software calculation program or by an electronic calculation device comprising a calculator in a computer executing a scan job as claimed. However, the claimed features are not patentable subject matter because they are not novel but well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ any of such well known features to obtain the skew or slant value of Seto in view of Pasco et al. in order to speed up the processes.

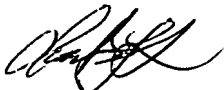
Apparatus claims 45-49 are rejected for the same reasons as given for claims 25-29, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee  
May 9, 2007